

Ser. No. 09/726,499
Preliminary Amendment filed on 13 January 2004
Atty Docket 117163-11

REMARKS

Claims

Claims 1-19 were pending in the application in which this Request for Continued Examination is made.

35 USC §112 Rejections

The Examiner has made no Section 112 rejections.

35 USC §102 Rejections

Mehra (US 5,170,802)

Claims 1 and 2 stand rejected as being anticipated by U.S. Patent 5,170,802 to Mehra ("Mehra '802"). Without going into the Examiner's characterization of Mehra '802 and what it teaches, the applicants point out that claim 1 requires that the wire unit be "tubular." Although the Examiner has indicated that Mehra '802 wire coil is tubular, applicant respectfully traverses. For that reason, claim 1 does not read onto Mehra '802, so it is not anticipated thereby. To the extent that Mehra '802 teaches a balloon body for expanding the wire coil, the added limitation of claim 2 is anticipated, but the claim is still allowable for the reason that claim 1 is not anticipated by Mehra '802.

Dahl (US 5,531,779)

Claims 1, 3, 8, 9, and 13 stand rejected as being anticipated by U.S. Patent 5,531,779 to Dahl ("Dahl '779"). As amended, claim 1 now requires that "in the second state, the probe does not project radially into the lumen along the length of the wire unit in a manner that reduces the cross-sectional area of the blood vessel". The "wire unit" of Dahl '779 starts at one axial end with a ring electrode 46 and ends at the other axial end in a second ring electrode 48, with wires 50 between the ring electrodes that are adapted to be expanded into contact against the vessel wall. The ring electrodes do not expand to bear against the vessel wall. Therefore, they are a part of the probe that reduce the cross-sectional area of the lumen along the axial length of the wire unit so as to impede blood flow," notwithstanding the fact that Dahl '779 states that the blood flow is unimpeded.

Machek (US 5,954,761)

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Claims 1, 4, 5, 8, 12 and 18 stand rejected as being anticipated by U.S. Patent 5,954,761 to Machek ("Machek '761"). First, the applicant respectfully submits that Machek '761 is distinguished in the specification at paragraph [0005], where it is noted that Machek '761 teaches a device where the conductor (feed line) extends into the interior of the wire unit, rather than being attached to the wire unit in an axial direction, as required by claim 1. Since the feed line is a part of the "probe" and it reduces the cross-sectional area of the lumen along the axial length of the wire unit, Machek '761 does not anticipate claim 1 or its dependent claims.

Spreigl (US 6,161,029)

Claims 1, 3, 4, 15 and 18 stand rejected as being anticipated by U.S. Patent 6,161,029 to Spreigl ("Spreigl '029"). Spreigl '029 has a feed line (12, 112, 212 in the various embodiments) that runs through the wire unit's axial length in the lumen, so it does not anticipate claim 1, for the same reason that Machek '761 does not anticipate claim 1.

35 USC §103 Rejections

The Examiner has rejected claims 7, 11, and 16 as being obvious in view of Machek '761 in view of U.S. Patent 6,283,989 to Laufer et al. ("Laufer '989"). Because claim 1 is not anticipated by Machek '761, Laufer '989 cannot provide the needed limitations of claim 1 to provide a good obviousness rejection.

The Examiner has rejected claims 10 and 17 as being obvious in view of Mehra '802 (or Dahl '779, Machek '761 or Spreigl '029). Applicant admits that the coating of the wire unit with a medicament is a desired goal. However, the known use of medicaments on stents is conventionally accomplished on a surface that is not relied upon to be in electrically conductive relationship with the vessel wall, as is required by the present invention and claim 1. However, none of the cited references anticipates even claim 1, so claims 10 and 17 are allowable as claims that properly depend from an allowable base claim.

The Examiner has rejected claims 14 and 15 as being obvious in view of Mehra '802. The Examiner states that Mehra '802 discloses the claimed invention except for a balloon body that is pneumatically or hydraulically inflatable, but that it would have been obvious to one skilled in the art at the time the invention was made to modify the device taught by Mehra '802 to include a balloon body that is pneumatically or hydraulically inflatable. The applicant again

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points out that Mehra '802 does not anticipate claim 1. With claim 1 being allowable, claims 14 and 15 are properly dependent claims and are likewise allowable.

In view of the foregoing arguments the applicant submits that the claims are in a condition to permit allowance. Therefore the applicant requests early and favorable disposition of this application.

Respectfully submitted,

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